

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 05-00189DAE
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
KEITH SEICHI IMAI, (01)	)	
	)	DECLARATION OF COUNSEL
Defendant.	)	
	)	
_____	)	

DECLARATION OF COUNSEL

1. I am the attorney for Defendant KEITH IMAI in the above-captioned case.

2. On May 26, 2005, Counsel filed a Written Request for Discovery and delivered a filed-stamped copy on the U.S. Attorney's office. On Sept. 27, 2005, Counsel filed Defendant Imai's First Motion to Compel Discovery, followed by a Supplemental Declaration of Counsel filed on Jan. 19, 2006, seeking additional discovery pertaining to Defendant's Hilo, Hawaii, property.

3. On March 8, 2006, Counsel filed Defendant Imai's Second Motion to Compel Discovery, seeking additional discovery pertaining to government confidential informants, and cooperating defendants. On March 8, 2006, Counsel also filed a Motion for Disclosure of Grand Jury Transcripts. The Court upheld the Government's objection, and found that defendant Imai could not "demonstrate a particularized need" that "outweighs the policy of grand jury secrecy".

4. Now that Defendant Imai's trial is severed from the co-defendants', and

is set for trial to commence on Tuesday, Oct. 31, 2006, full disclosure of Grand Jury transcripts and other specific items identified in Defendant Third Motion to Compel, is paramount in order for defendant to exercise his right to effective cross-examination and impeachment of the government witnesses.

5. Counsel cannot prepare for trial without the critical materials sought in the instant third motion to compel discovery. The Government is in possession of evidence essential to the defendant's case, including but not limited to impeachment and possible exculpatory evidence which the government has a continuing duty to provide (as previously detailed in Defendant's two prior Motions to Compel Discovery, Motion to Compel Identity of Confidential Sources, and Motion to Compel Grand Jury Transcripts).

6. Absent disclosure by the Government regarding the items noted in defendant's third motion, the counsel cannot properly prepare for trial.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/9, 2006.

  
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MYLES S. BREINER